

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

LAFAYETTE CITY-PARISH	*	CIVIL ACTION NO:
CONSOLIDATED GOVERNMENT	*	
	*	
VERSUS	*	JUDGE:
	*	
MORBARK, LLC, W.L. DOGGETT, LLC	*	
d/b/a DOGGETT MACHINERY SERVICES	*	MAGISTRATE JUDGE:
and CATERPILLAR, INC.	*	
	*	
* * * * *		

NOTICE OF REMOVAL

TO: United States District Court
Western District of Louisiana

Pursuant to 28 U.S.C. §§ 1332 and 1441, defendant, CATERPILLAR INC. (“Caterpillar”) (erroneously identified in the plaintiff’s “Petition for Redhibition and Damages” as “Caterpillar, Inc.”), hereby gives notice of its removal of this civil action from the Fifteenth Judicial District Court for the Parish of Lafayette, State of Louisiana, Civil Action No. 2021-6667, to the United States District Court for the Western District of Louisiana.

I.

Plaintiff filed its “Petition for Redhibition and Damages” in the Fifteenth Judicial District Court for the Parish of Lafayette, State of Louisiana, on December 29, 2021. A copy of plaintiff’s petition is attached to this notice as Exhibit “A.”

II.

Caterpillar, through its registered agent for service of process, was served with plaintiff’s petition on January 4, 2022.

Morbark, LLC, through its registered agent for service of process, was served with plaintiff's petition on January 4, 2022.

W.L. Doggett, LLC, through its registered agent for service of process, was served with plaintiff's petition on January 4, 2022.

Accordingly, this Notice of Removal is filed within the time period prescribed by 28 U.S.C. §1446(b). *See, Yu-Wen Chiu v. Lincoln*, 2018 WL 4205423 (E.D. La. 9/4/18) (citing *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999) (“defendant’s time to remove is triggered by simultaneous service of the summons and complaint, or receipt of the complaint, through service or otherwise, after and apart from service of the summons, but not by mere receipt of the complaint unattended by any formal service”).

III.

The action is one of a civil nature that alleges the liability of Caterpillar; Morbark, LLC; and W.L. Doggett, LLC, to plaintiff.

IV.

The matter in dispute reasonably appears to seek damages in excess of seventy-five thousand dollars, exclusive of interest and costs. Plaintiff seeks to rescind the sale and recover the purchase price of a piece of machinery whose alleged purchase price was \$680,000.00. Plaintiff also seeks to recover damages and attorney fees. *See* Exhibit “A” (petition).

V.

Plaintiff, Lafayette City-Parish Consolidated Government, is a Louisiana municipal corporation and a citizen of the State of Louisiana.

VI.

Caterpillar Inc. is a Delaware corporation with its principal place of business in Illinois.

Morbark, LLC is a Michigan limited liability company whose sole member is Alamo Group (USA) Inc., a Delaware corporation with its principal place of business in Texas.

W.L. Doggett, LLC is a Texas limited liability company whose sole member is Mr. Wm. Leslie Doggett, Sr., a citizen of Texas.

VII.

Complete diversity of citizenship therefore exists between the plaintiff and all named defendants.

VIII.

As indicated by the Notices of Consent, attached to this pleading, both Morbark LLC and W.L. Doggett, LLC consent to the removal of this case to federal court. *See* Exhibit “B” (notice of consent signed by Andre Delaunay, general counsel for W.L. Doggett, LLC; and notice of consent signed by Paul M. Lavelle, counsel for Morbark, LLC). The requirements of 28 U.S.C. 1446(B)(2)(A) have thus been satisfied, in that “all defendants who have been properly joined and served . . . consent to the removal of the action.”

IX.

This matter is removable pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441.

WHEREFORE, Caterpillar Inc. gives notice of removal of the above captioned case from state court to this Court.

/s/ Deirdre C. McGlinchey

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on:

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by “e-mail” and by depositing a copy of same, postage prepaid and duly addressed, in the U.S.

Mail, this January 18, 2022.

/s/ Deirdre C. McGlinchey
DEIRDRE C. MCGLINCHEY